

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ITV DIRECT, INC.,)
)
)
Plaintiff,)
)
v.)
)
HEALTHY SOLUTIONS, LLC, ET. AL.,)
)
Defendants.)

CAPPSEALS, INC.,)
)
Plaintiff-in-)
Intervention)
v.)
)
HEALTHY SOLUTIONS, LLC., D/B/A)
DIRECT BUSINESS CONCEPTS; ITV)
DIRECT, INC. AND DIRECT)
FULFILLMENT, LLC.)
)
Intervenor-)
Defendants.)

C. A. No. 04-CV10421-JLT
(DEIN, J)

**CAPPSEALS, INC.'S REPLY TO THE ITV PARTIES'
OPPOSITION TO CAPPSEALS' MOTION FOR SANCTIONS
UNDER 28 U.S.C. § 1927 AND THE INHERENT POWERS OF THE COURT**

EXHIBIT 5, PART 2

~~CONFIDENTIAL~~

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

July 2004

Invoice No. 1021068
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of June 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/05/04	O. Golinder	0.40	Attention to case management.
06/08/04	C. Robertson	0.80	Review and revise reply to counterclaims; conference with S. Gelwick regarding
06/08/04	S. Gelwick	0.80	Revisions to Reply to Counterclaim filed by Defendants; conference with C. Robertson regarding
06/09/04	O. Golinder	0.30	Electronically file reply to counterclaim.
06/09/04	S. Gelwick	0.80	Final revisions to and preparation of DMC's Reply to Defendant's Counterclaim for filing; review Judge Tauro's order on discovery and review of docket in case.
06/10/04	S. Gelwick	2.40	Preparation of Rule 30(b)(6) deposition notice for Healthy Solutions; review Judge Tauro's automatic disclosure requirements; review documents received from client relating to Supreme Greens
06/11/04	S. Gelwick	1.80	Review client's emails and documents in order to prepare initial Rule 26 disclosures; conference with C. Robertson regarding
06/14/04	S. Gelwick	0.80	Review documents received from DMC's Beverly counsel to review for

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000721

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1021068
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/17/04	S. Gelwick	0.80	Review client's documents : to produce to opposing counsel.
06/18/04	C. Robertson	0.30	Conference with S. Gelwick regarding discovery issues and production of documents to Guerrero and depositions; call with E. Barrett regarding
06/18/04	S. Gelwick	2.80	Preparation of Rule 30(b)(6) deposition notice for Healthy Solutions; conference with C. Robertson regarding ; begin preparation of Rule 26 automatic disclosure.
06/21/04	C. Robertson	0.80	Review disclosures and document production; review Rule 30(b)(6) notice to Healthy Solutions regarding topics and related issues; call with C. Pedersen regarding
06/21/04	O. Golinder	3.70	Draft initial disclosures; draft corporate disclosures; prepare documents for production; review and revise initial disclosures; electronically file corporate disclosures; draft cover letter to counsel forwarding documents; send same.
06/21/04	S. Gelwick	5.80	Preparation of deposition notices; revisions to Rule 26 disclosures; preparation of document production and review of financial documents from client; conferences with O. Golinder regarding
06/22/04	C. Larkin	0.50	Telephone conference with Mr. Robertson regarding ;" attend to filing of on-line request for 90-day extension of time to oppose; review TTAB order granting extension; correspond with Mr. Robertson regarding
06/22/04	C. Robertson	0.50	Review documents in connection with production to Guerrero; review and annotate disclosures and deposition notices.
06/22/04	O. Golinder	0.20	Telephone conference with co-counsel regarding agreements; conference with S. Gelwick regarding
06/22/04	S. Gelwick	2.40	Revise deposition notices and disclosures; review additional client documents for privileged materials; review documents produced in other actions
06/23/04	S. Gelwick	0.80	Begin preparation of draft protective order for financial documents produced by all parties; review deposition notices filed by Healthy Solutions.
06/24/04	S. Gelwick	1.70	Review Rule 26 disclosures of CapSeals; begin review of documents produced by Healthy Solutions; select relevant documents for depositions of Guerrero, Geremesz and Howell.
06/25/04	O. Golinder	3.70	Obtain a copy of the summary judgment motion filed by Cappseals; attention to file; prepare additional documents for production.

CONFIDENTIAL

SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1021068
1843 / 35965
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/25/04	S. Gelwick	2.70	Review documents from client relating to conference with P. Brooks and C. Robertson regarding review motion for summary judgment filed by Capseals; telephone conference with Capsesals' counsel regarding summary judgment opposition.
06/26/04	S. Gelwick	0.70	Review email from P. Brooks regarding begin preparation of protective order for financial documents.
06/28/04	S. Gelwick	1.20	Preparation of Rule 26 Affidavit; telephone conference with Capseal's counsel; review of arguments in Capsesals' motion for summary judgment.
06/30/04	S. Gelwick	1.80	Preparation of protective order; review additional documents produced by Healthy Solutions.

Total Hours 38.50

Total Fees 9,724.50

Disbursements

Online Research	79.93
Local Messenger	8.00
Copying	470.40
Meals - AMERICAN EXPRESS 5/5/04.	39.17

Total Disbursements \$ 597.50

Total This Statement \$10,322.00

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

.55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

July 2004

Invoice No. 1021068
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$9,724.50
Total Disbursements	<u>597.50</u>
Total Fees and Disbursements This Statement	<u>\$10,322.00</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000724

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

August 2004

Invoice No. 1032179
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of July 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
06/17/04	P. Brooks	0.70	Attend to discovery issues in Capseals case and c/w Robertson regarding
07/01/04	C. Robertson	0.30	Conference with S. Gelwick regarding review affidavit.
07/02/04	S. Gelwick	0.70	Preparation of Rule 26.1 Affidavit and document production to serve on other counsel.
07/05/04	S. Gelwick	0.80	Review of UCC cases regarding
07/06/04	S. Gelwick	0.30	Conference with C. Robertson regarding
07/07/04	C. Robertson	5.30	Draft and edit opposition to Cappseals motion for summary judgment; review cases regarding conference with S. Gelwick regarding ;
07/07/04	O. Golinder	0.20	Review file for indemnification letter and purchase orders.

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000725

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1032179
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
07/07/04	S. Gelwick	1.60	Review correspondence from Cappseal's counsel and preparation of response; conference with C. Robertson regarding ; research and review case law regarding :
07/08/04	C. Robertson	4.10	Draft and edit brief in opposition to motion for summary judgment filed by Cappseals; research and review cases regarding conference with S. Gelwick regarding
07/08/04	O. Golinder	0.40	Draft motion for extension for time to respond to summary judgment motion.
07/08/04	S. Gelwick	1.50	Conferences with C. Robertson regarding ; review correspondence from Cappseal's counsel; review invoices and purchase orders for Supreme Greens and terms of distribution agreement to oppose Cappseals motion.
07/09/04	C. Robertson	0.20	Review deposition schedule and letter from counsel regarding discovery.
07/09/04	O. Golinder	0.20	Electronically file motion for extension of time to respond to summary judgment motion.
07/09/04	S. Gelwick	0.30	Conference with C. Robertson regarding
07/12/04	S. Gelwick	5.50	Research federal case law regarding ; review Healthy Solutions' opposition to Cappseals' motion; preparation of new notices of deposition for Healthy Solutions; telephone conference with opposing regarding discovery schedule.
07/13/04	S. Gelwick	5.70	Preparation of joint motion for extension; further research to oppose Cappseals' motion for partial summary judgment; review pleadings filed in Cappseals' Superior Court case to include as exhibits to statement of facts in dispute.
07/14/04	O. Golinder	0.70	Review docket; conference with S. Gelwick regarding ; review summary judgment brief.
07/14/04	S. Gelwick	7.80	Telephone conference with counsel regarding revisions to joint motion to extend discovery and regarding stipulated protective order; conduct further research and preparation of opposition to Cappseals' motion for partial summary judgment and statement of material facts in dispute.

SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1032179

1843 / 35965

Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
07/15/04	O. Golinder	1.60	Shepardize opposition to summary judgment; draft affidavit of S. Gelwick; prepare exhibits to S. Gelwick's affidavit; review citations to previously filed documents.
07/15/04	S. Gelwick	9.40	Further research and preparation of Opposition to Cappseals' motion for summary judgment and statement of material facts in dispute; conference with P. Brooks regarding ; conference with Healthy Solutions' counsel regarding joint motion for extension and regarding protective order; telephone conference with Cappseals' counsel regarding same.
07/16/04	S. Gelwick	6.80	Complete preparation of and revisions to Opposition to Cappseals' motion for summary judgment; revise statement of material facts in dispute and supporting affidavit; preparation of exhibits for filing; file package with federal court.
07/19/04	C. Robertson	0.50	Review final brief in opposition to Cappseals motion for summary judgment; review discovery schedule and depositions.
07/19/04	S. Gelwick	1.30	Telephone conference with counsel for Healthy Solutions regarding Rule 16 conference; preparation of stipulated protective order for counsel's comments; review of Judge Tauro's discovery order.
07/20/04	C. Robertson	0.60	Review proposed protective order and discovery plan; call with S. Gelwick regarding
07/21/04	S. Gelwick	1.50	Review of Judge Tauro's orders on summary judgment and extension of deposition schedule; telephone conference with J. Tauro's clerk regarding August conference; telephone conference with counsel for Healthy Solutions regarding discovery schedule and regarding stipulated protective order; telephone conference with Cappseals counsel regarding protective order.
07/22/04	S. Gelwick	6.80	Review of client's documents and documents from Healthy Solutions and Cappseals to prepare outlines for depositions of Healthy Solutions; begin preparation of deposition outline.
07/23/04	S. Gelwick	5.80	Preparation of document requests to Healthy Solutions and Cappseals; review of facsimile from Healthy Solutions' counsel; preparation of amended notices of deposition; review defendants' revisions to stipulated protective order; further preparation of deposition outlines for Healthy Solutions defendants.
07/26/04	S. Gelwick	2.30	Continue review of documents to prepare for depositions of Healthy Solutions; telephone conference with counsel for Healthy Solutions regarding revisions to stipulated protective order.
07/27/04	C. Larkin	0.30	Telephone conference with Mr. Robertson and Mr. Maihos regarding

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1032179
1843 / 35965
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
07/27/04	C. Robertson	0.60	Calls with C. Larkin regarding ; review Guerrero website regarding ; review California statutes regarding
07/28/04	S. Gelwick	5.70	Review emails and facsimiles from Healthy Solutions' counsel; continue preparation for depositions of Healthy Solutions defendants.
07/29/04	S. Gelwick	3.50	Further preparation for Healthy Solutions defendants' depositions.

Total Hours 83.00

Total Fees 23,524.50

Disbursements

Online Research	626.80
Federal Express/Messenger	41.07
Copying	15.40
Facsimile	2.00

Total Disbursements \$ 685.27

Total This Statement \$24,209.77

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

August 2004

Invoice No. 1032179
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$23,524.50
Total Disbursements	<u>685.27</u>
Total Fees and Disbursements This Statement	<u>\$24,209.77</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000729

CONFIDENTIAL

SEYFARTH

ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

September 2004

Invoice No. 1043311
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of August 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/02/04	S. Gelwick	4.30	Telephone conferences with opposing counsel regarding depositions; preparation of correspondence to counsel regarding production of confidential documents; review emails and correspondence produced by Healthy Solutions; further preparation of document requests to Cappseals and HS; telephone conference with Judge Tauro's clerk regarding conference.
08/03/04	C. Robertson	0.20	Review correspondence regarding deposition scheduling and related issues; conference with S. Gelwick regarding
08/03/04	S. Gelwick	1.70	Preparation of amended notices of deposition and correspondence to counsel; telephone conference with counsel for Healthy Solutions regarding depositions and exchange of financial documents; preparation of correspondence to Judge Tauro regarding status conference; review disclosures by parties in preparation of for status conference; preparation of correspondence to client regarding scope of Rule 30(b)(6) deposition.
08/04/04	S. Gelwick	2.80	Telephone conference with opposing counsel regarding depositions; further preparation of outlines for depositions of Healthy Solutions Defendants; preparation of correspondence to Judge Tauro's clerk; conference with opposing counsel regarding confidential information disclosed in the FTC action; revise terms of protective order.

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000730

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1043311
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/05/04	O. Golinder	0.40	Attention to file.
08/05/04	S. Gelwick	1.20	Telephone conference with Judge Tauro's clerk regarding status conference; conference with P. Brooks regarding review docket and initial disclosures for conference; telephone conferences with opposing counsel regarding disputed terms of protective order.
08/06/04	S. Gelwick	5.50	Revisions to answer and cross-claim, prepare documents for filing, revisions to protective order for exchange of confidential information; preparation of correspondence to opposing counsel regarding protective order and document exchange, conference with opposing counsel and P. Brooks regarding same.
08/09/04	C. Larkin	0.70	Investigate procedures for filing of complaint with Medical Board of California regarding unlicensed practice of medicine in California; correspond with Mr. Brooks and Mr. Robertson regarding
08/09/04	O. Golinder	0.70	Review documents produced by Healthy Solutions.
08/09/04	P. Brooks	0.20	Letter to Guerrero attorney
08/09/04	S. Gelwick	1.60	Preparation of motion for entry of stipulated protective order and exhibits for filing; telephone conference with opposing counsel regarding assent to motion; preparation of correspondence to opposing counsel regarding same; telephone conference with counsel for Cappseals regarding confidential documents; review notice from Judge Tauro.
08/10/04	C. Dacre	0.60	Telephone conference with C. Larkin regarding ; telephone conference with K. Hipkins, Department of Health Services, regarding Medical Board complaints, Department of Consumer Affairs, contact information.
08/10/04	C. Larkin	0.30	Telephone conference with Ms. Dacre regarding ; telephone call to Mr. Robertson regarding
08/10/04	S. Gelwick	2.60	Preparation of emails to opposing counsel regarding exchange of documents and deposition schedule; review of additional client emails in order to supplement document production; review audio tape of Guerrero's sales seminar in preparation for depositions; preparation of correspondence to Healthy Solutions' counsel regarding failure to produce documents.
08/11/04	C. Larkin	0.30	Telephone conference with Mr. Robertson regarding ; telephone conference with Ms. Dacre regarding

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1043311
1843 / 35965
Page 3

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/11/04	P. Brooks	1.60	Deposition preparation
08/11/04	S. Gelwick	4.80	Review of additional client documents; preparation of production of confidential documents to opposing counsel; preparation of correspondence to Healthy Solutions' counsel regarding discovery; further review of documents in preparation for deposition of Guerrero.
08/12/04	C. Larkin	0.20	Telephone conference with Mr. Robertson regarding
08/12/04	C. Robertson	1.20	Prepare for depositions; review files in preparation for depositions; conference with S. Gelwick regarding
08/12/04	O. Golinder	1.80	Conference with S. Gelwick regarding ; obtain same.
08/12/04	P. Brooks	1.60	Prepare for depositions.
08/12/04	S. Gelwick	9.80	Preparation of outline and exhibits for deposition of A. Guerrero; conference with P. Brooks regarding ; conference with C. Robertson regarding
08/13/04	C. Robertson	0.60	Review documents in preparation for M. Howell deposition; outline issues for Howell deposition.
08/13/04	O. Golinder	4.20	Prepare exhibits for deposition of A. Guerrero; attention to case management.
08/13/04	P. Brooks	3.00	Prepare for depositions
08/13/04	S. Gelwick	8.30	Continue preparation of outline and exhibits for deposition of Guerrero; conference with P. Brooks regarding ; review Healthy Solutions' production of confidential documents; preparation of correspondence to opposing counsel; preparation of supplemental document production.
08/14/04	S. Gelwick	1.20	Preparation of additional deposition exhibits; review infomercial tape to set up for deposition; preparation of exhibits relevant to deposition of M. Howell.
08/15/04	P. Brooks	3.80	Prepare for depositions.
08/15/04	S. Gelwick	0.60	Prepare additional exhibits for deposition of Guerrero; review Health Solutions' and Supreme Greens current web sites and archives of web site.
08/16/04	C. Robertson	4.30	Review documents and related materials in preparation for Howell deposition; prepare outline for deposition; meeting with P. Brooks and S. Gelwick regarding ; review protective order.

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1043311
1843 / 35965
Page 4

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/16/04	O. Golinder	5.40	Update pleadings; prepare index of documents produced by parties; case management.
08/16/04	P. Brooks	9.10	Prepare for and attend Guerrero deposition
08/16/04	S. Gelwick	8.80	Prepare exhibits for deposition of Guerrero, attend deposition; conference with P. Brooks and C. Robertson; assist with preparation for Howell deposition; review additional confidential documents produced by Healthy Solutions.
08/17/04	C. Robertson	8.40	Take deposition of M. Howell in Boston; review documents in connection with Howell deposition.
08/17/04	O. Golinder	1.90	Attention to exhibits for M. Howell's deposition.
08/17/04	P. Brooks	2.50	Attend Howell deposition and prepare Geremetz
08/17/04	S. Gelwick	7.80	Prepare outline and exhibits for deposition of Geremesz; attend deposition of Howell; telephone conference with Cappseals' counsel regarding production of confidential; review of financial documents produced by Healthy Solutions.
08/18/04	C. Robertson	0.70	Call with D. Barrett regarding ; review documents for deposition preparation of D. Barrett and J. Bernabei; conference with P. Brooks regarding
08/18/04	P. Brooks	7.50	Preparation of Geremetz deposition and attendance at deposition.
08/18/04	S. Gelwick	3.80	Prepare additional exhibits for Geremesz deposition; conference with P. Brooks; pull relevant documents to prepare for clients' depositions; telephone conference with counsel for Healthy Solutions regarding financial documents.
08/19/04	C. Robertson	2.90	Pull materials in connection with preparation of J. Bernabei and D. Barrett for depositions; review and annotate Guerrero transcript in connection with depositions; meet with D. Barrett and J. Bernabei in Beverly regarding ; review documents with Jason and Donald.
08/19/04	O. Golinder	0.60	Review documents for preparation for meeting with D. Barrett and J. Bernabei.
08/19/04	P. Brooks	2.50	Prepare for and attend Day 2 of Geremetz deposition
08/19/04	S. Gelwick	3.70	Review additional relevant documents for depositions of clients; conference with C. Robertson; review deposition transcript of Guerrero and send to C. Larkin in CA; prepare correspondence to counsel for Healthy Solutions regarding missing documents identified during depositions; conference with P. Brooks.
08/20/04	C. Robertson	7.20	Defend deposition of J. Bernabei at Posternak, Blankstein regarding Supreme Greens litigation.

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1043311
1843 / 35965
Page 5

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
08/20/04	O. Golinder	2.50	Draft answer to the cross-claim; attention to file.
08/23/04	O. Golinder	0.40	Locate a deposition disk.
08/23/04	P. Brooks	5.00	Attend Donald Barrett deposition.
08/24/04	P. Brooks	4.80	Maihos deposition
08/24/04	S. Gelwick	1.30	Telephone conference with Cappseals' counsel regarding confidential documents; further review of deposition transcript of Guerrero.
08/25/04	P. Brooks	0.20	Follow up on discovery needed from Guerrero with Chris
08/27/04	C. Larkin	1.20	Review and analyze transcript of deposition of Alex Guerrero; review revised website at hsnw.com; correspond with Mr. Brooks and Mr. Robertson regarding
08/27/04	S. Gelwick	0.70	Telephone conference with Healthy Solutions' counsel regarding financial documents and invoices; review spread sheet of sales of Supreme Greens produced by Healthy Solutions.
08/30/04	C. Larkin	0.20	Review correspondence from Mr. Brooks and Mr. Robertson regarding ; correspond with Mr. Brooks and Mr. Robertson regarding
08/30/04	M. Callahan	0.50	Conferences with C. Robertson and W. Callahan regarding
08/30/04	S. Gelwick	0.60	Organize exhibits from Healthy Solutions' depositions and clients' relevant documents.
08/31/04	S. Gelwick	0.50	Review portions of Guerrero deposition transcript identified as confidential; review stipulated protective order for procedure on designations of confidential information.

Total Hours 160.80

Total Fees 48,722.00

Disbursements

Online Research	438.99
Federal Express/Messenger	23.38
Copying	914.60
Facsimile	22.00
Postage	13.65
Taxi - BOSTON CAB DISPATCH	24.00

Total Disbursements \$1,436.62

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1043311
1843 / 35965
Page 6

Total This Statement

\$50,158.62

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

September 2004

Invoice No. 1043311
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$48,722.00
Total Disbursements	<u>1,436.62</u>
Total Fees and Disbursements This Statement	<u>\$50,158.62</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000736



55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

October 2004

Invoice No. 1052163
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of September 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/01/04	C. Robertson	1.70	Review and annotate A. Guerrero deposition transcript; review documents in connection with Guerrero deposition.
09/01/04	S. Gelwick	0.40	Review facsimile from counsel for Healthy Solutions; review confidential portions of Healthy Solutions' depositions.
09/07/04	S. Gelwick	0.60	Review exhibit list from depositions to prepare exhibit list for joint pretrial memorandum; review correspondence from counsel for Healthy Solutions.
09/08/04	O. Golinder	2.10	Review deposition of A. Guerrero and designate testimony confidential pursuant to B. Christeinstein's request.
09/09/04	S. Gelwick	1.50	Review portions of deposition transcripts to designate confidential information; review of correspondence from Healthy Solutions' counsel regarding depositions and preparation of pretrial memorandum; review court's orders and rules for submission of joint pretrial memorandum.
09/10/04	C. Larkin	0.20	Telephone conference with Mr. Conrad regarding
09/10/04	P. Brooks	0.70	Review and telephone conference with Chris regarding

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000737

CONFIDENTIAL

SEYFARTH

ATTORNEYS **SHAW** LLP

Direct Marketing Concepts, Inc.

Invoice No. 1052163
1843 / 35965
Page 2

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
09/11/04	S. Gelwick	0.80	Continue review of portions of client's depositions to identify confidential information falling under the protective order.
09/13/04	S. Gelwick	0.50	Review correspondence from B. Christenson; draft correspondence to B. Christenson regarding missing documents that were identified in Guerrero deposition.
09/14/04	P. Brooks	0.80	Emails and letter to SG attorney and Donald regarding settlement
09/14/04	S. Gelwick	0.30	Review court's order; review correspondence from B. Christenson regarding pretrial conference; telephone call to Judge Tauro's clerk regarding pretrial conference.
09/15/04	S. Gelwick	2.30	Begin preparation of joint pretrial memorandum for pretrial conference; telephone conference with Judge Tauro's clerk regarding pretrial memorandum; further review of client's depositions for designation of confidential information.
09/20/04	C. Larkin	0.30	Review correspondence from Mr. Haraguchi regarding .. telephone conference with Mr. Haraguchi regarding
09/21/04	S. Gelwick	0.90	Review Healthy Solutions' designation of confidential information; further review of clients' depositions to designate any confidential information; review of emails relating to settlement.
09/24/04	P. Brooks	0.40	Review motion and reply.

Total Hours 13.50

Total Fees 3,825.00

Disbursements

Online Research	3.41
Local Messenger	23.50
Copying	2.60
Postage	16.37

Total Disbursements \$ 45.88

Total This Statement \$3,870.88

CONFIDENTIAL

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

October 2004

Invoice No. 1052163
1843 35965 / 35965-000006

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

INVOICE SUMMARY

Total Fees	\$3,825.00
Total Disbursements	<u>45.88</u>
Total Fees and Disbursements This Statement	<u>\$3,870.88</u>

PLEASE RETURN THIS COPY WITH YOUR PAYMENT

PAYMENT MAY BE MADE BY WIRE TO: BANK ONE
ACCOUNT NUMBER: 4036166
ABA NUMBER: 071000013

ITV 000739

SEYFARTH
ATTORNEYS **SHAW** LLP

55 EAST MONROE STREET - SUITE 4200
CHICAGO, ILLINOIS 60603-5803
AREA CODE (312) 346-8000
FEDERAL ID 36-2152202

ATLANTA
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
SACRAMENTO
SAN FRANCISCO
WASHINGTON, D.C.
BRUSSELS

November 2004

Invoice No. 1062179
1843 35965 / 35965-000006
C3

Direct Marketing Concepts, Inc.
100 Cummings Center
Suite 506E
Beverly, MA 01915-6109
Attn:

For legal services rendered through the month of October 2004

Supreme Greens Litigation

<u>Date</u>	<u>Attorney/Paralegal</u>	<u>Hours</u>	<u>Description</u>
10/04/04	O. Golinder	0.80	Review and designate transcript testimony confidential.
10/11/04	P. Brooks	0.10	Conf Robertson regarding
Total Hours		.90	
Total Fees			143.00
<u>Disbursements</u>			
Travel - AMERICAN EXPRESS parking 8/21/04-8-9/04.		28.00	
Meals - AMERICAN EXPRESS 7/8/04-8-9/04.		21.75	
Meals - AMERICAN EXPRESS 7/9/04-8-9/04.		31.68	
Total Disbursements			\$ 81.43
Total This Statement			\$ 224.43

BILLS ARE DUE AND PAYABLE UPON RECEIPT
THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

ITV 000740